

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

BILLY DRIVER, JR.,

Plaintiff,

v.

CHAVEZ,

Defendant.

No. 2:22-CV-1447-DJC-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are: (1) Plaintiff's motion for sanctions against defense counsel, see ECF No. 71; (2) Plaintiff's motion for a ruling on his motion at ECF No. 72, see ECF No. 72; (3) Plaintiff's motion for referral to alternative dispute resolution, see ECF No. 83; (4) Plaintiff's motion for an extension of time to file an opposition to Defendant's motion for summary judgment, see ECF No. 82; and (5) Plaintiff's motion for an order setting a pre-trial conference and jury trial, see ECF No. 70.¹

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¹ While the Court's docket indicates that ECF No. 70 is no longer a pending motion, it does not appear that the Court has yet issued a ruling on this motion.

1 In his motion for sanctions, Plaintiff seeks an order imposing sanctions on defense
2 counsel for failing to respond to Plaintiff's settlement demand. See ECF No. 71. Plaintiff has not
3 cited to any authority which requires the defense to respond to Plaintiff's settlement demand, and
4 the Court is aware of none. Plaintiff's motion for a ruling will be granted and the Court will deny
5 Plaintiff's motion for sanctions.

6 Plaintiff also seeks an order referring this matter to alternative dispute resolution
7 (ADR). See ECF No. 83. A review of the docket reflects that this case was previously referred to
8 the Court's ADR program on March 13, 2023. See ECF No. 30. At the request of Defendant, the
9 scheduled settlement conference was vacated, and the matter was thereafter scheduled. See ECF
10 Nos. 36 and 38. Discovery has now closed, and Defendant has filed a motion for summary
11 judgment. See ECF No. 80. In the event the matter is not resolved by way of Defendant's
12 motion for summary judgment, Plaintiff may renew his request for referral to ADR. In the
13 meantime, Plaintiff's motion will be denied without prejudice to renewal following the Court's
14 final ruling on the pending motion for summary judgment, which will be addressed separately
15 upon completion of briefing.

16 Next, Plaintiff seeks an order granting additional time to file an opposition to
17 Defendant's motion for summary judgment. See ECF No. 82. Good cause appearing therefor,
18 Plaintiff's motion will be granted.

19 Finally, Plaintiff seeks an order setting a pre-trial conference and date for
20 commencement of a trial in this matter. See ECF No. 70. Plaintiff is advised that, should the
21 matter not be resolved by way of summary judgment, the Court will direct the parties to submit
22 pre-trial status reports for the purpose of determining a final trial schedule for this case. In the
23 meantime, Plaintiff's current motion for trial-setting dates will be denied.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's motion for a ruling, ECF No. 72, is granted.
2. Plaintiff's motion for sanctions, ECF No. 71, is denied.
3. Plaintiff's motion for referral of this matter to ADR, ECF No. 83, is denied without prejudice to renewal following the Court's final ruling on Defendant's motion for summary judgment.
4. Plaintiff's motion for an extension of time, ECF No. 82, is granted.
5. Plaintiff's opposition to Defendant's motion for summary judgment is due within 30 days of the date of this order.
6. Plaintiff's motion for an order setting pre-trial conference and trial dates, ECF No. 70, is denied.

Dated: August 11, 2025



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE